Supreme Court, U.S.
FILED

Docket No: 051440 DEC 14 2005

OFFICE OF THE CLERK

United States Supreme Court

Glenn Henderson
Plaintiff

v.

Office and Professional Employees International Union and Christine Page

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth District

Petition for Writ of Certiorari

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Questions

1. Had the statute of limitations run out?
2. It is against the idea of freedom of thought, and it is wrong and dangerous to tell someone what he or she should think, believe, and know?
3. Was there due process?
4. Were the courts legislating new law?
5. Should state issues have been sent back to state court if all federal issues were dismissed?
6. Does Title VII prohibit discrimination by unions?
7. Was there fairness and get equal protection for a person in pro se?
8. Am I entitled to and is it equitable to allow me to defend myself and my reputation and to clear my name against untrue and defaming comments in court papers even if there is no monetary or other type of compensation?
9. Is the six months statute of limitations too short?
10. Is it legally permissible to and is it a right to be able to complain to a vendor of one's employer about harassment and defamation?
11. Were my claims and statements given the most favorable light?

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Citations

The Appeals Court said "the six month limitations period begins to run out when the employee knows or should known of the alleged breach of the duty of fair representation by his union."

The Appeals Court said the "claims for discrimination and retaliation were properly dismissed."

Basis for Jurisdiction

Date appeal affirmed: 6/22/05
Date of order related to rehearing: 9/15/05
This Court should have jurisdiction because the case was reviewed by the Federal Ninth Circuit Court of Appeals.
Statutory Provision: Petition for Writ of Certiorari may be filed after review by a federal court of appeals.

Constitutional Provisions and Statutes

Due process: Amendment V says that no person shall be "deprived of life, liberty, or property without due process of law."
The Constitution allows for freedom of thought and belief, equal protection, and fairness even if not stated that way.

Statement of the Case and Points

I had worked at Sony Pictures Entertainment and was in a union, the union of Office and Professional Employees International Union. I was a Cash Allocation Clerk. I applied customers' checks to their invoices. I was wrongly punished and finally wrongly terminated. Sony showed I made one definite cash application mistake. One issue was that I complained to a bank about harassment and untrue accusations; Sony said I could not do that. No other issues had any basis for punishment. I believe the union did not adequately help me, but the union claims they did.

1. The statute of limitations had not run out. The rule is that the statute of limitations begins to run when the plaintiff knows or should know that the defendant did something wrong. The District Court and Appeals Court used the idea that the statute of limitations began when I knew or should have known that the union would not help me any more. I have never known if their not helping me any more was wrong. Defendant Ms. Page told me the union had done all it was required to do, and I believed her. The statute of limitations still has not begun to run because I do not know if union did all it was required to do and if the union did wrong. I have been asking the Courts that.
2. It is against the idea of freedom of thought, and it is wrong and dangerous to tell someone what he or she should think, believe, and know. In this case it is an undisputed fact that the union

representative, Christine Page, told me in February 2002 that the union had done all they were required to do. Both sides agreed that Ms. Page said that. I believed her. The union has continued to claim that in court papers. The union's lawyer agreed with Ms. Page's statement. I told a lawyer what Ms. Page said, and he agreed with what she said and said they, unions, did not have to do much. When Ms. Page made the statement, I thought she had talked with the union lawyers and that the lawyers were telling her what to do or say or what not do or say. Ms. Page had claimed she was going to speak with the lawyers before her statement.

Neither the District Court nor the Appeals Court explicitly stated it, but they may be implying that I should have known the union did something wrong by not helping me more. It seems incredible to me that someone should tell me I should have known they were lying or very wrong. People should have the right to think and believe what they want and believe whom they want. It is incredible if the Courts can tell someone what to think, believe, and know. That idea is stunning. In this case, it is not clear that I should have not believed these people. To this day, I still do not know if the union did all they were required or not. No Court has told me the answer. The courts have said I should have known the union was not going to help me in February 2002 or August 2002. They did not state that I

should have known the union did something wrong. They did not say if the union did something wrong, then the statute of limitations began in February 2002 or August 2002. The Appeals Court said that I acknowledged in my appeal paper that I knew the union was not going to help me any more in February 2002. That was when Ms. Page told me that the union had done all it was required to do. I did not at all say I knew the union would not help me any more when Ms. Page made the comment. It is incredible and scary that the Appeals Court claimed such a thing. The Courts did not say if the union did something wrong or if they did not, then the statute of limitations began in February 2002 or August 2002. I believe laws and rulings should be understandable and precise as possible. I believe I read that laws were supposed to be understandable. I should not have to guess what they meant. The courts are supposed to believe the plaintiff or look at his or her claims in the most-favorable light. The courts should have believed what I said, so they should have had to claim that I should have known and not that I did know the union did something wrong. It was not clear to me what the courts were claiming in that regard. I feel like the Courts are calling me too stupid for believing Ms. Page's claim that the union did all they were required to do or else saying I lied and did not believe the claim. It is not wrong to be stupid, and accusing me of lying would be

defamation. The courts seem to suggest a person must not trust and must be cynical. Also, a person should be allowed to hope someone is telling the truth. Hope is important for people. It helps keep people going. A person should be able to think freely. Saying a person should know seems very hard to do. It is not like saying someone should have wondered or that it does not make sense to not wonder. Knowing the union had not done all they were required to do seems to require that I be an expert on the law or good at it. I imagine even lawyers are not experts or maybe not real good at all areas of law. The Courts seem to want to say that, at least for legal claims, I am not allowed to believe these people.

3. Due Process. I did not get due process because the wrong rule or idea was used regarding the statute of limitations. Also, my claim that the statute of limitations dose not start until I knew the union did something wrong and not when I knew the union would not help me any more was not discussed. No reference to the law was made, no precedent was cited, and no other support was used to show my claim was wrong or that the courts used the right rule or idea about the statute of limitations.
4. State issues should have been sent back to state court if all federal claims were dismissed. That rule was not used or followed. I did not get due process about that. State fraud laws say a person

has to believe something, and they do not say a person should know better.

5. Discrimination and retaliation is not allowed by unions under Title VII. The courts did not allow these claims. The rules of Title VII were not followed or stated by the courts as they related to unions. That was not due process. The union discriminated against me as well as allowed Sony to discriminate against me.
6. I am afraid I was not treated fairly by the courts, and did not get a fair trial or fair pre-trial consideration or equal protection. I cannot help but wonder if the courts did not take me seriously enough and brushed me off because I was pro se. My opponent's lawyers and the judges that looked at my case were all part of a profession that I was not a part of. I do not claim that I know the law anywhere near as well as the lawyers and especially the judges do; I just want what I am told to make sense, I want my claims to be discussed and considered, and I want to be treated fairly and with due consideration and due process. Many of my claims were not discussed. The appeals court wrote little compared with other cases I have seen. I may not be good at writing court papers or I may be terrible, so maybe that has been a problem. I have been worried that because my former employer, Sony, was a movie studio, the courts may have been easier on them and in turn the union. I guess movie studios are powerful.

The District Court said it was clear that I knew the union was not going to help me when I filed a federal case against my former employer, Sony Pictures Entertainment, in August 2002 after filing a state case against Sony in March 2002. I filed the federal case because I was about to sign a settlement regarding the state case. Ms. Page had told me that the union would not help me with the state case, which was about denial of promotions; she said it was between me and the EEOC, where I had filed a complaint before my termination. The federal case was about much more than the denial of promotions and included such things as wrongful treatment in many ways and wrongful termination. I felt defamed and wrongly accused of falsely claiming I did not know or believe the union would not help me with claims not in the state case. My filing the federal case on my own did not mean the union could not still help me. The court did not question me about why I decided to file the federal case on my own; that was not fair or due process. The union never told me they would not help me about anything but the issue over denial of promotions. The union could have still helped me even if I filed the 2002 Sony federal case on my own. No one claims that I also decided no lawyer outside the union would help me and that that was a reason I filed on my own.

Also, the District Court said he would not allow defamation to be stretched to include the union's saying they thought I had improved.

Saying someone improved is great if someone did improve. My point was that, in the context used, that was like saying I was bad and not up to standards. I was never performing below standards. I had been issued a totally defaming Development Plan and a mostly defaming Written Warning. I thought the union's comment made it sound like I was as bad as the plan and warning said, but got better. I even believe the union was helping me at that time but stated things inaccurately. That comment, by itself, would not have led me to file a complaint in court. I just wanted the union to stick up for me and say that my work was always good. I believe most people think that when someone is said to have improved, he or she must have been bad before. Implied things can cause harm, too. It would have been fine if the union said they thought I had done all I was asked to do.

The only issue in my employment at Sony that was ever questionable was that I complained to a bank about being harassed. Sony, especially my immediate supervisor, Kim Russo, claimed I made 6 mistakes out of 34,000 checks I did. That is a 99.98% correct percentage. One of those six was definitely a mistake and one was definitely done right. I was told I made a mistake in adjusting one of the six alleged mistakes. I was told by my supervisor that I made few mistakes, handled a heavy workload, and worked well with others, yet